



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,414	12/22/2000	Yuka Nagai	862.C2079	8024

5514 7590 07/26/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,414

Applicant(s)

NAGAI ET AL.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because in Fig. 47 (3406) is labeled "scan setting" but on page 62 lines 12-13 of the specification Fig. 47 (3406) is said to be "print setting". Changes should be made to either the specification or drawings to correct this problem. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is more than one paragraph. Correction is required. See MPEP § 608.01(b). Please condense abstract to be one paragraph.

The disclosure is objected to because of the following informalities: Page 62 line 23 refers to (3406) but should read (3405).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 recites the limitation "said discrimination means" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim. It is suggested to change "means" to "unit".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 9, 12, 17, 20, 25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6567180 to Kageyama et al. Kageyama clearly teaches an image processing apparatus which can accept and parallelly execute a plurality of jobs including all the limitations recited in claims 1, 4, 9, 12, 17, 20, 25, and 28. Referring to claims 1, 9, 17, and 25, Kageyama teaches an image processing apparatus which can accept and parallelly execute a plurality of jobs, comprising a stop key for instructing to stop a job during job execution (see column 9 lines 47-55, in which the reference shows that a stop instruction is issued by a computer connected to the network and thus a key stroke for stopping the job is implied), a console which allows a user to select any of the jobs in a list displayed on a display unit (see column 9 lines 47-55, in which the reference shows the list of jobs is displayed on a computer monitor of a computer connected to the network which serves the same purpose as the claimed element), and a controller for, when the user instructs stop a job by said stop key, displaying list of all jobs which are being executed on the display unit, and stopping a job selected from the list (see column 13 lines 29-34). Referring to claims 4, 12, 20, and 28, Kageyama teaches appending means for appending arbitrary job information to an input job in addition to the identification information (see column 13 lines 43-51).

Claims 5-8, 13-16, 21-24, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5740496 to Kawabuchi. Kawabuchi clearly teaches an image processing apparatus which can accept and parallelly execute a plurality of jobs including all the limitations recited in claims 5-8, 13-16, 21-24, and 29-32. Referring to claims 5, 13, 21, and 29, Kawabuchi teaches an image processing apparatus which can accept and parallelly execute a plurality of jobs, comprising a stop key for instructing to stop a job during execution (see column 10 lines 3-7), a discrimination unit for discriminating a currently set stop mode when a user requests to stop a job by said stop key (see column 6 lines 61-67, column 7 lines 1-15, and column 10 lines 3-15), and a controller for stopping a job in accordance with the stop mode discriminated by said discrimination unit (see column 7 lines 47-50). Referring to claims 6, 14, 22, and 30, Kawabuchi teaches when the stop mode is a first mode, said controller stops an image scan job of the plurality of jobs (see column 6 lines 61-67, reference states after stop key is pressed if document being read is the only operation being executed then a stop report is transmitted). Referring to claims 7, 15, 23, and 31, Kawabuchi teaches a console which allows the user to select any of jobs in a list displayed on a display unit (see Fig.23), and wherein when the stop mode is a second mode, said controller stops an image scan job if no jobs other than the image scan job are found, and displays existing jobs on the display unit and deletes a job selected from the displayed jobs if print or communication jobs are found (see column 6 lines 61-67 and column 10 lines 16-25). Referring to claims 8, 16, 24, and 32, Kawabuchi teaches a console which allows the user to select any of jobs list displayed on a display unit (see

Fig.23), and wherein when the stop mode is a third mode, if print or communication jobs are found, said controller displays existing jobs on the display unit, and deletes a job selected from the displayed jobs (see column 10 lines 3-25).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 10, 11, 18, 19, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kageyama and Kawabuchi. Kageyama discloses an image processing apparatus which can accept and parallelly execute a plurality of jobs, comprising a stop key for instructing to stop a job during job execution (see column 9 lines 47-55), a console which allows a user to select any of the jobs in a list displayed on a display unit (see column 9 lines 47-55), and a controller for, when the user instructs stop a job by said stop key, displaying list of all jobs which are being executed on the display unit, and stopping a job selected from the list (see column 13 lines 29-34). However, Kageyama fails to disclose when user instructs to stop a job by said stop key, said controller pauses all jobs which are being executed, displays a list of all the paused jobs on the display unit, and restarts execution of jobs which are not selected from the list, so as to stop the selected job. Kageyama also fails to disclose when the user instructs to stop a job by said stop key, said controller checks the number

of jobs which are being executed, stops a job if only one job is being executed, displays a list of all jobs which are being executed on the display unit if a plurality of jobs are being executed, and stops a job selected from the list.

Kawabuchi does disclose when user instructs to stop a job by said stop key, said controller pauses all jobs which are being executed, displays a list of all the paused jobs on the display unit, and restarts execution of jobs which are not selected from the list, so as to stop the selected job (see column 10 lines 17-25 and 30-31). Kawabuchi also discloses when the user instructs to stop a job by said stop key (column 10 lines 3-7), said controller checks the number of jobs which are being executed, stops a job if only one job is being executed (see column 6 lines 61-67 and column 7 lines 1-15), displays a list of all jobs which are being executed on the display unit if a plurality of jobs are being executed, and stops a job selected from the list (see column 10 lines 3-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teaches of Kageyama and Kawabuchi because it would be beneficial to a user to view a list of pending print jobs on a display unit attached to an image processing device that mimicked that of the common display seen on a computer monitor when viewing a print queue from an appropriate program. In doing this the user's familiarity with a print queue and manipulation of the same is incorporated in the display that appears on an LCD or other display unit connected to the image processing apparatus. The combination of these two teachings gives a familiar on-screen display, which allows the user to more easily maneuver through the system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show state of the art refer to U.S. Patent numbers 6249658 (Inui et al.), 5500717 (Altrieth III), 5907410 (Ohtake), and 5669040 (Hisatake).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRM

Mark R. Milia
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600